

06-20-07

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App. No. 09/896,238
June 18, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 09/896,238
Applicant : Grune, Guerry
Filed : June 29, 2001

TC/A.U. : 2165
Examiner : Diane Mizrahi
Docket No. :

June 18, 2007

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria VA 22313-1450

For: SIMULTANEOUS INTELLECTUAL
PROPERTY SEARCH AND VALUATION
SYSTEM AND METHODOLOGY (SIPS-
VSM)

REGARDING: NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 22313

Dear Madam:

Remarks:

In Section 1C, Amendments to the specification; Other - Examiner states "Applicant's amendment does not include "remarks" in light of the new amendments to the specification and claims of March 3, 2007."

In regards to Examiner requirement of "remarks" according to 37 C.F.R. 1.121 or 1.4 - neither section of MPEP requires such.

Please note that pages 2-27 of this response is a copy of the practitioner's original response to the March 8, 2007 Office Action (not a March 3, 2007 response as so stated incorrectly by the examiner).

This is a third attempt to have the current amendment considered and quick response to this request as well as the prior request that the Applicant submits that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/896,238

Examiner

DIANE D. MIZRAHI

Applicant(s)

GRUNE ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 08 March 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☒ C. Other See Continuation Sheet.

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other _____.

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

☐ C. Other _____.

☐ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☐ E. Other: _____.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:


Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 1(c) Other: Applicant's amendment does not include "remarks" in light of the new amendments to the specification and claims. ~~On~~ March 3, 2007.


DANIEL M. BIRNBAUM
PRIMARY EXAMINER

Express Mail:

Appl. No. 09/896,238
March 8, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/896,238
Applicant : Grune, Guerry
Filed : June 29, 2001

TC/A.U. : 2165
Examiner : Diane Mizrahi
Docket No. :

March 8, 2007

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria VA 22313-1450

**For: SIMULTANEOUS INTELLECTUAL
PROPERTY SEARCH AND VALUATION
SYSTEM AND METHODOLOGY (SIPS-
VSM)**

REGARDING: NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 22313

Dear Madam:

In response to the Official Action, dated February 8, 2007, the period for response being one (1) month, applicant respectfully requests consideration of the above-identified application based on the following amendments and remarks submitted November 29, 2006 (based on a non-compliant amendment request for applications under accelerated examination dated October 31, 2006) wherein the Examiner now newly requests a marked up version of the specification and a marked up version of the claims. In addition, Figure 6 is completely described in the original specification starting on page 7, line 30 and continuing through line 31 page 8. These are the claims and the specification examiner has been asked to consider since July 22, 2006 and have been pending since June 2001.

The examiner has, it is believed in error, requested an original specification and subsequent supporting amendments that are all part of the IFW (information file wrapper) and easily retrievable from PAIR. Several additional errors have been made by the Examiner regarding this application, including requesting an RCE in error and citing prior art that clearly listed a priority date long after the filing date of the present application. The continued and consistent errors and delays associated with this application by the Examiner are now causing severe financial harm to the applicant and his associates. If there are any

further supporting documents that the Examiner does not have access to, practitioner is more than willing to assist Examiner in retrieving these documents.

The attached Office Communication document has again been fully complied with and the practitioner now requests immediate action to place this application in condition for allowance. On several occasions during the course of this extraordinary examination, where a Notice of Allowance was given in July 2003 and then subsequently withdrawn, it has been clearly stated by the practitioner that no new matter has been added. If there is any reason that this application cannot be given a Notice of Allowance at this time, Examiner is requested to call the practitioner directly and immediately at the correspondence address and contacts given below. Further written correspondence which further delays prosecution has now become unacceptable.

RESPONSE: Page 3 is the start of the “marked-up” version of the specification indicating any deletions or additions to the Office Action dated June 22, 2006 to which this practitioner responded officially on July 22, 2006 (within 1 month). On November 29th this specification was sent back in full compliance with 37 CFR 1.121 after Examiner lost the Office Action response and then responded on October 31, 2006 with a request to fully comply with amendment requirements under 37 CFR 1.121 (3 months after the practitioner’s response). It is now March 2007, almost 6 years after this application was initially filed. This specification does not include any new matter.

RESPONSE: Page 19 is the start of the “marked up” version of the claims from the same response to Office Action dated June 22, 2006. These claims also contain no new matter.

Below, Applicant has provided the contents of the document presented herewith;

Listing of the claims – pg. 3 (below)

Revised (Marked up version) Specification – pg. 3

Revised (Marked up version) Claims – pg. 19

Remarks, pg. 27

Listing of the Claims

Claims 1 – 11 (Canceled)

Claims 12-13 (Currently amended)

Claims 14- 16 (Previously presented)

Claim 17-22 (Currently amended)